

~~TOP SECRET~~ (b)(1) ~~NOFORN//MR~~
 (b)(3) NatSecAct

6 December 2006

DISPOSITION MEMORANDUM

SUBJECT: ~~(S)~~ Alleged Use of Unauthorized Interrogation
 Techniques

CASE: 2004-7604-IG (b)(1) (b)(3) CIAAct
 (b)(3) NatSecAct (b)(6)
 (b)(7)(c)
 (b)(7)(d)

ISSUES UNDER INVESTIGATION:

1. ~~(S//NF)~~ On [] May 2004, the [] Legal Group, Counterterrorist Center (CTC/LGL), referred allegations to the Office of Inspector General (OIG) that were made by detainee Mustafa al-Hawsawi during a debriefing by Interrogator []. The referral attached [] Lotus Note detailing Hawsawi's allegations. Hawsawi alleges that the enhanced interrogation technique (EIT) waterboarding was used on him. Also attached to the referral letter was a chart that listed the Agency officers who had contact with Hawsawi in March and April 2003, and seven cables from [] and Headquarters concerning the interrogation of Hawsawi. (b)(1) (b)(3) NatSecAct

2. ~~(S//NF)~~ The referral letter identified chief interrogator [] and interrogator [] (separated from CIA employment) as the officers who were primarily involved in the interrogation of Hawsawi. However, the seven cables concern the interrogation of Hawsawi by interrogators [] and []

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INVESTIGATIVE EFFORTS:

6. ~~(S)~~ On 13 July 2004, OIG reported this incident as a possible violation of federal criminal law to [redacted] Chief, Criminal Division, US Attorney's Office, Eastern District of Virginia. Assistant US Attorney [redacted] has been continually apprised of the progress of this investigation. (b)(6) (b)(7)(c)

POLICY AND GUIDELINES: (b)(3) CIAAct

It is CIA policy to neither participate directly in nor encourage interrogation that involves the use of force, mental or physical torture, extremely demeaning indignities or exposure to inhumane treatment of any kind as an aid to interrogation. [redacted]

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8. ~~(TS//NF)~~ According to the Inspector General's Special Review, the capture and initial Agency interrogation of the high value detainees (HVDs) presented the Agency with a significant dilemma.¹ The Agency was under pressure to do everything possible to prevent additional terrorist attacks. Agency officials believed that a more robust approach was necessary to elicit threat information from senior Al-Qa'ida HVDs. With the knowledge that Al-Qa'ida personnel had been trained in the use of resistance techniques, another challenge was to identify interrogation techniques that Agency personnel could lawfully use to overcome the resistance.

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9. ~~(TS//NF)~~ The Office of General Counsel (OGC) consulted extensively with Department of Justice (DoJ) and National Security Council (NSC) legal and policy staff in determining and documenting the legal parameters and constraints for interrogations. In August 2002, DoJ's Office of Legal Counsel (OLC) provided to the Agency a legal opinion in which it determined that 10 specific EITs would not violate the torture prohibition. The DCI on 28 January 2003 signed "Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001."

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The DCI Guidelines were sent to Station in cable (b)(3) CIAAct on January 2003, and therefore, were applicable during Hawsawi's detention at (b)(1) (b)(3) NatSecAct

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(b)(3) NatSecAct

10. ~~(TS//NF)~~ The DCI Interrogation Guidelines define "Permissible Interrogation Techniques" and specify that "unless otherwise approved by Headquarters, CIA officers and other personnel acting on behalf of CIA may use only Permissible Interrogation Techniques. Permissible Interrogation Techniques consist of both (a) Standard Techniques and (b) Enhanced Techniques." EITs require advance approval from Headquarters, as

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¹ ~~(TS//NF)~~ Counterterrorism Detention and Interrogation Activities (September 2001–October 2003) (2003-7123-IG) dated 7 May 2004.

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do standard techniques whenever feasible. The field was required to document the use of both standard techniques and EITs.

11. ~~(TS/~~ (b)(1) ~~NOFORN~~) The DCI Interrogation Guidelines define "standard interrogation techniques" as techniques that do not incorporate significant physical or psychological pressure. These techniques include, but are not limited to, all lawful forms of questioning employed by US law enforcement and military interrogation personnel. Whenever feasible, advanced approval was required for the use of standard techniques by an interrogation team. In all instances, their use shall be documented in cable traffic.

12. ~~(TS/~~ (b)(1) ~~NOFORN~~) The DCI Interrogation Guidelines defined EITs as "techniques that do incorporate physical or psychological pressure beyond Standard Techniques." Headquarters must approve the use of each specific EIT in advance. EITs may be employed only by trained and certified interrogators for use with a specific detainee and with appropriate medical and psychological monitoring of the process.²

13. ~~(TS/~~ (b)(1) ~~NOFORN~~) The EITs are, the attention grasp, walling, the facial hold (insult hold), the abdominal slap, cramped confinement, wall standing, stress positions, sleep deprivation beyond 72 hours, the use of diapers for prolonged periods, the use of harmless insects, the waterboard, and such other techniques as may be specifically approved. The use of each EIT is subject to specific temporal, physical, and related conditions, including a competent evaluation of the medical and psychological state of the detainee.

14. ~~(TS/~~ (b)(1) ~~NOFORN~~) Prior approval in writing either by written memorandum or in cable traffic from the Director CTC, with the concurrence of the Chief, CTC Legal Group, is required for the use of any EIT(s). In each interrogation session in which an EIT is

² ~~(TS/~~ (b)(1) ~~NOFORN~~) Before EITs are administered, a detainee must receive a detailed psychological assessment and physical exam. Daily physical and psychological evaluations are continued throughout the period of EIT use.

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employed, a contemporaneous record shall be created setting forth the nature and duration of each such technique employed, the identities of those present, and a citation to the required Headquarters approval cable. This information in the form of a cable shall be provided to Headquarters.

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 (b)(3) NatSecAct

15. ~~(TS/~~ (b)(1) ~~NOFORN//MR~~) Relevant to this investigation in particular are the techniques of walling, waterboarding and water dousing. As stated in the DCI Interrogation Guidelines above, walling and waterboard are EITs. Prior to walling a rolled towel is placed around the detainee's neck for support to prevent whiplash. During the walling technique, the detainee is pulled forward and then quickly and firmly pushed into a flexible false wall so that his shoulder blades hit the wall.

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16. ~~(TS/~~ (b)(1) ~~NOFORN//MR~~) The application of the waterboard technique involves binding the detainee to a bench with his feet elevated above his head. The detainee's head is immobilized and an interrogator places a cloth over the detainee's mouth and nose while pouring water onto the cloth in a controlled manner. Airflow is restricted for 20 to 40 seconds and the technique produces the sensation of drowning and suffocation. The waterboard is a level two EIT that required special authorization to be used from the Director of the Directorate of Operations (DDO) and the D/CTC.

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17. ~~(TS/~~ (b)(1) ~~NOFORN//MR~~) Water dousing was used at (b)(1) since early 2003. Water dousing involves laying a detainee down on a plastic sheet and pouring water over him for 10 to 15 minutes while the interrogator questions the detainee. The January 2003 DCI Interrogation Guidelines did not address water dousing as a standard or enhanced technique.³ Some interrogators

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considered water dousing a standard level technique at that time, although several cables requesting Headquarters approval for EITs also requested approval for water dousing. The standard was clarified in [] cable [] dated [] June 2003, specifying that the application of water dousing does not constitute an EIT.⁴ Also, the September 2003 draft OMS Guidelines identified water dousing as a standard technique. The Office of General Counsel "re-defined" water dousing as an EIT in Headquarters cable [] sent to [] on [] January 2004.

(b)(3) CIAAct

THE ALLEGATIONS:

18. ~~(S//NF)~~ In his Lotus Note to RDG and CTC/LGL (Copy attached as an exhibit), [] reported that Hawsawi described being strapped on a rotating table made of wood with a bed of shiny metal and his head was tilted in the down position. Hawsawi said several bottles of water were poured on his chest so that the water ran into his face and nose and he thought he was drowning. He said he was put on the table many times during that interrogation period, with multiple bottles of water each time. Hawsawi initially said [] (b)(3) CIAAct masked individuals were involved. He later said there were [] individuals. Hawsawi described the individual pouring the water as tall and thin and speaking English. Hawsawi said he could not identify them because they were always masked, even when walling and questioning him.

(b)(5)

(b)(3) CIAAct

4. ~~(S//NF)~~ [] reports in part, "In a correction of the record, Headquarters notes that under a controlled environment and standard procedures for dousing, the application of dousing does not constitute an enhanced measure, but does require detailed and timely notification of its use in the interrogation reports, as required for other standard techniques."

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19. ~~(TS/~~ [redacted] ~~/NF)~~ Hawsawi reportedly informed [redacted] that this waterboard session was not done during the first interrogations when he arrived at [redacted] nor did it happen at his last series of interrogations. Hawsawi said it was "the one in the middle" and at the same time "the men used the collar," for walling.

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27. ~~(TS//NF)~~ ~~(b)(1)~~ ~~(b)(3) NatSecAct~~ Hawsawi was an Al-Qa'ida financier who reportedly handled the transfer of funds to the 9/11 hijackers. He was a close associate of Khalid Shaykh Muhammad (KSM) and was captured with KSM in Pakistan. On March 2003, Hawsawi and KSM were rendered to ~~(b)(1)~~ ~~(b)(3) NatSecAct~~ and incarcerated at ~~(b)(1)~~ ~~(b)(3) NatSecAct~~ a detention, debriefing, and interrogation facility for high and medium value detainees. ~~(b)(1)~~ ~~(b)(3) NatSecAct~~ consisted of 20 individual concrete structures used as cells, three interrogation rooms, a staff room, a guardroom and a conditioning room that was used for water dousing. Hawsawi remained in ~~(b)(1)~~ ~~(b)(3) NatSecAct~~ until November 2003, when he was rendered to another location.

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28. ~~(TS//NF)~~ ~~(b)(1)~~ ~~(b)(3) NatSecAct~~ Cables concerning the interrogations and debriefings of Hawsawi indicate that EITs were requested and-in turn — authorized for Hawsawi on three separate occasions. The first time EITs were authorized was on March 2003, when Hawsawi arrived at ~~(b)(1)~~ ~~(b)(3) NatSecAct~~ and was interrogated by ~~(b)(1)~~ ~~(b)(3) NatSecAct~~

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The second time was in April 2003, when [] and [] interrogated Hawsawi. The third and last time EITs were authorized was in May 2003 when [] was at [] with several newly trained interrogators in the process of being certified. (b)(1) (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

29. ~~(TS/ [] /NF)~~ There is no indication that the waterboard was requested or authorized for Hawsawi during March, April and May 2003. The waterboard, being a level two EIT, required special authorization from the Deputy Director for Operations and the D/CTC to be used. []

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[] However, only three interrogators were certified to use the waterboard at that time and it had been authorized for use on only three detainees at locations other than [] (b)(1) (b)(3) NatSecAct

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30. ~~(TS/ [] /NF)~~ When Hawsawi arrived at [] or [] March 2003, the personnel participating in Hawsawi's interrogation consisted of []

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[] Headquarters conditionally approved the use of EITs by [] without [] sending a cable requesting authorization.⁶ The use of the waterboard or water dousing was not addressed in the cable.

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31. ~~(TS/ [] /NF)~~ Cables indicate that [] did not initiate EITs until [] March 2003. [] assisted [] Under [] direction, the facial slap, stomach slap, forehead against the wall and kneeling position EITs were used. Hawsawi was also given "a bath."

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⁶ ~~(TS/ [] /NF)~~ [] Mar 03, cites, in part [] [] has conditional approval to use the following enhanced techniques with ((Al-Hawsawi))..." [] recalls that headquarters issued a conditional approval without a request from an interrogator to commence using EITs upon arrival of KSM and Hawsawi. (b)(3) CIAAct (b)(6) (b)(7)(c) (b)(7)(d)

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[] and [] took advantage of the bath time to question Hawsawi while the guards were bathing him. Hawsawi exhibited the expected reactions of displeasure and discomfort with the bath.

32. ~~(TS/ [] /NF)~~ [] said the "bath" described in the cable was, in practice, water dousing. He said they put a blue tarp on the floor and laid Hawsawi down on it. They then poured cups of water on Hawsawi. Hawsawi was uncomfortable with it but did not yell or scream.

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(b)(3) CIAAct

(b)(3) NatSecAct

33. ~~(TS/ [] /NF)~~ With one exception, [] witnesses said the waterboard was not used on either Hawsawi or KSM during this time. In fact, they said to their knowledge the waterboard was never used at [] [] was the one exception.

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(b)(3) NatSecAct

34. ~~(TS/ [] /NF)~~ The other witnesses did not support [] recollection.

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35. ~~(TS/ [] /NF)~~ After conducting EITs on Hawsawi, [] sent a cable to Headquarters with the conclusion that Hawsawi

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was not a HVD with a significant role in Al-Qa'ida. [redacted] departed [redacted] on [redacted] March 2003, leaving [redacted]

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[redacted] in charge of the interrogation of Hawsawi. Consequently, [redacted] was not authorized to use EITs. Working with [redacted] during this period of time was subject matter expert [redacted]. They said [redacted] did not use EITs during this period of time.

36. ~~(TS//NF)~~ [redacted]

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[redacted] When Hawsawi became compliant, they returned to debriefing sessions.

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37. ~~(TS//NF)~~ [redacted] The second session of EITs for Hawsawi began to develop when [redacted] arrived in [redacted] on [redacted] March [redacted] and [redacted] March 2003, respectively. Working with [redacted] during the session were [redacted]

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39. ~~(S//NF)~~ On [redacted] March 2003, [redacted] observed [redacted] debriefing Hawsawi and concluded that Hawsawi was

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withholding information.⁷ They then established control and initiated their interrogation process. [redacted] said he used the least coercive means, beginning with standard techniques and worked up.

[redacted] documented his progress. (b)(1) cables (b)(3) CIAAct
 (b)(1) (b)(3) NatSecAct

40. ~~(TS//NF)~~ On 4 April 2003, [redacted] requested Headquarters authorization to use EITs on Hawsawi.⁸ He requested approval for the use of sleep deprivation and water dousing, and the use of EITs facial slap, facial hold, belly slap, attention grasp, stress positions, cramped confinement and walling. Headquarters approved the request on the same day. (b)(1)
 (b)(3) NatSecAct

41. ~~(TS//NF)~~ On 6 April 2003, [redacted] and [redacted] subjected Hawsawi to EITs lasting 14 non-stop hours. They confronted him with continuous rotational sessions of water-dousing, walling, attention grasps, facial holds, cramped confinement and psychological pressures.⁹

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(b)(3) CIAAct

7 ~~(S)~~ [redacted] cable [redacted] dated 2 April 2003

8 ~~(S)~~ [redacted] cable [redacted] dated 4 April 2003. It is noted that the waterboard was neither requested nor approved.

9 ~~(S//NF)~~ The use of EITs on Hawsawi on 6 April 2003 is documented in [redacted] cable [redacted] dated 8 April 2003.

(b)(3) CIAAct [redacted] (b)(1)
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50. ~~(S//NF)~~ Following the 14-hour session, Hawsawi shed his resistance and said he was willing to cooperate.¹⁰ During the first

¹⁰ ~~(S//NF)~~ Apr 2003

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debriefing session after EITs Hawsawi requested to speak to [redacted] Hawsawi, without prompting, reaffirmed his commitment to cooperate and thanked [redacted] and the interrogation team for keeping their promise to treat him properly when he decided to cooperate.

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51. (S//NF) [redacted] maintained a presence during the next few sessions with debriefers to ensure that Hawsawi did not regress before they moved on to other detainees. Debriefings of Hawsawi continued with [redacted] and eventually [redacted]

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52. (S//NF) Hawsawi remained cooperative and compliant until 7 May 2003, when [redacted] notified [redacted] that Hawsawi was no longer cooperating. This led to the third and final interrogation session with Hawsawi. [redacted] who had recently [redacted] (b)(6)
(b)(7)(c) [redacted] sent a cable to Headquarters requesting authorization to use EITs on Hawsawi and to supervise [redacted] in the use of EITs. Headquarters denied [redacted] request and instructed him to [redacted] (b)(1)
(b)(3) NatSecAct until [redacted] arrived to [redacted]

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(b)(3) NatSecAct
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53. (S//NF) When [redacted] arrived on [redacted] May 2003, he sent a cable to Headquarters requesting approval to use EITs on Hawsawi. He was interrogated on the same day but EITs were not used because Headquarters did not provide approval until the following day. While no EITs were used, [redacted] gave Hawsawi "a bath for sanitation purposes" and commenced standing sleep deprivation.

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54. (S//NF) On 12 May 2003, Hawsawi experienced a three-hour interrogation session with [redacted] without the use of EITs.¹¹ The session was designed to bring Hawsawi back to a cooperative state and into the debriefing mode with CTC [redacted] analysts for further questioning without the use of EITs. Hawsawi

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¹¹ (S//NF) The 12 May 2003 interrogation session is documented in (b)(1)
cable [redacted] dated 15 May 03. (b)(3) NatSecAct
(b)(3) CIAAct

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was sufficiently cooperative during the session. As a result, he was returned to the debriefing mode and EITs were not used on him again.

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55. ~~(TS//NF)~~

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_____ were all working at _____ with _____ during this time. They said that the waterboard was not used on Hawsawi or any other detainee. Some said Hawsawi quickly became compliant and there was no reason to use the waterboard or other EITs on him. They said waterboard was located in the back of the conditioning room collecting dust and used by the analysts to sit on or lean on during water dousing.

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CONCLUSIONS: (b)(3) NatSecAct

(b)(3) CIAAct
 (b)(3) NatSecAct

57. ~~(TS//NF)~~ _____/_____ OIG interviewed _____ Agency personnel who were at _____ during various times from March to May 2003. They confirmed that a waterboard was located in the conditioning room at _____. With one exception, all denied any knowledge that the waterboard was ever used on Hawsawi. In fact,

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with the exception of [] each witness said they have no (b)(1)
 knowledge that the waterboard was ever used at [] (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

58. ~~(TS/~~ [] ~~/NF)~~ [] recalled that [] used the waterboard on either Hawsawi or KSM in March and that several personnel witnessed this usage. No one corroborated [] recollection. Furthermore, Hawsawi claimed he was placed on the waterboard during the interrogations "in the middle" which would have been in April 2003. (b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

59. ~~(TS/~~ [] ~~/NF)~~ Based on the evidence available concerning the possible use of the waterboard on Hawsawi, it is likely that Hawsawi is referring to the water dousing sessions performed by [] during the 14-hour interrogation session that took place on 6 April 2003. [] fits the description provided by Hawsawi of the [] interrogator who spoke English. These interrogations took place as Hawsawi says, "in the middle" when walling was used and a collar was placed around Hawsawi's neck. [] as well as the witnesses, indicates Hawsawi did not like water dousing. Based on the available evidence [] administered water dousing on Hawsawi in the Agency authorized matter.¹² (b)(6)
 (b)(7)(c)

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(f)

60. ~~(S//NF)~~ There is no corroboration that [] used the waterboard, as Hawsawi claims. Hawsawi saw the waterboard in the conditioning room when [] drew his attention to it. Hawsawi could have embellished the water dousing session by saying he was placed on the waterboard. There is no evidence to support a conclusion that [] would have used the waterboard and then conspired to deny using it.

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(f)

(b)(3) CIAAct

(b)(3) CIAAct

12 (U []) The prescribed manner is described in [], dated [] March 2003.

(b)(3) NatSecAct

18

~~TOP SECRET~~ (b)(1) [] ~~NOFORN//MR~~
 (b)(3) NatSecAct

~~TOP SECRET~~ (b)(1) ~~NOFORN//MR~~
 (b)(3) NatSecAct

(b)(6)
 (b)(7)(c)

61. (S) Assistant U.S. Attorney [redacted] has been apprised of the progress of this investigation and has reviewed this report. In a Letter of Declination, dated 5 December 2006, he advised that they have concluded that there is insufficient evidence to warrant a criminal prosecution in this matter.

(b)(3) CIAAct
 (b)(6)
 (b)(7)(c)

Special Agent

(b)(3) CIAAct
 (b)(6)
 (b)(7)(c)

Supervisory Special Agent

10
~~TOP SECRET~~ (b)(1) ~~NOFORN//MR~~
 (b)(3) NatSecAct

(b)(3) CIAAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

~~TOP SECRET//X1~~

(b)(3) CIAAct

(b)(3) NatSecAct

21 November 2003

To:

(b)(3) CIAAct

cc:

(b)(6)

Subject: Al-Hawsawi Incident

(b)(7)(c)

Reference:

During a debriefing session about three weeks ago with MUHAMMAD ADNAN AKA MUSTAFA AL-HAWSAWI AKA HASHIM 'ABD AL-RAHMAN, I told him to tell the truth or he could go back to the "hard times." He made a comment that he did not want to go back, because of the water. He explained to [] and me a process that sounded like more than water dousing.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

[] and I later asked him more questions, and al-Hawsawi said the water was not poured directly in his face but on his chest so that it ran into his face and nose, because he was head down on the table. He then said he thought there might have been only two people, both masked, and that only the one pouring said anything, and he spoke English. He said he could not identify anyone, because they were always masked when they were interrogating him, even when walling and questioning him. He said the water incident did not happen at the first interrogations when he arrived at [] nor did it happen at his last series of interrogations. When he described his several series of interrogations, I understood him to be describing what we call interrogations with enhanced measures, and a cursory review of the cable traffic indicates he was authorized enhanced measures on several occasions. Again, he was not sure when it was done, but thought it was "the one in the middle" and said it was done at the same time "the men used the collar," describing the walling neck collar, and that the interrogators always wore masks. He said he was put on the table many times during that interrogation period, with multiple bottles of water each time.

We did not make a big deal of this, and Al-Hawsawi seemed fearful to talk about it. I told him at the start that he had to explain it to us so we "could learn what had worked with him."

We note that Al-Hawsawi's story changed between the first and second tellings. I cannot explain that, except to say that he seemed fearful, from the first, to talk about it. Regardless of how his story changed, he was consistent that he was put on the table, head down, and water ran into his nose so he could not breathe.

We did not prompt Al-Hawsawi - he described the process and the table on his own. As you know, I have serious reservations about watering them in a prone position because if not done with care, the net effect can approach the effect of the water board. If one is held down on his back, on the table or on the floor, with water poured in his face I think it goes beyond dousing and the effect, to the recipient, could be indistinguishable from the water board.

~~TOP SECRET//X1~~

~~TOP SECRET//X1~~

I have real problems with putting one of them on the water board for "dousing." Putting him in a head down attitude and pouring water around his chest and face is just too close to the water board, and if it is continued may lead to problems for us.

I recommend we amend the water dousing to specify it is done in a standing position only. Dousing them while standing has no risk of water entering the nose, sinuses, or lungs, and is effective in its own right.

(b)(3) CIAAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

~~TOP SECRET//X1~~